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NORTHERN DISTRICT OF CALIFORNIA

**SEALED
BY COURT ORDER**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

No. CR 14-0120 EMC

v.

- (1) EDUARDO ALVAREZ,
a/k/a "Clumsy,"
- (2) ELIAS CHAVEZ,
a/k/a "Kiko,"
- (3) LUIS CID-SALINAS,
a/k/a "Lonely,"
- (4) IGNACIO CRUZ,
a/k/a "Nacho,"
- (5) JUAN CARLOS GARCIA-GOMEZ,
a/k/a "Lil Ghost,"
- (6) JAIRO HERNANDEZ,
a/k/a "Joker,"
- (7) ORLANDO CARLOS HERNANDEZ,
a/k/a "Chisto,"
- (8) JUSEF NATHAN,
a/k/a "Boo,"
- (9) ROGELIO REAL,
a/k/a "Payaso,"
- (10) MARIO SERRANO,
a/k/a "Caballo,"
- (11) ALBERTO TORRES,
a/k/a "Taz,"
- (12) CARLOS VASQUEZ,
a/k/a "Malo,"
- (13) WESTON VENEGAS,
a/k/a "Cartoon," and
- (14) MICHAEL VIERA,
a/k/a "Lil Rocks," a/k/a "Rocks,"

VIOLATIONS: Title 18, United States Code, Section 1962(d) – Racketeering Conspiracy; Title 18, United States Code, Section 1959(a)(1) – Murder in Aid of Racketeering; Title 18, United States Code, Section 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering/Attempted Murder in Aid of Racketeering; Title 18, United States Code, Section 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering; Title 18, United States Code, Section 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering; Title 18, United States Code, Section 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 924(j)(1) – Use of Firearm Causing Murder; Title 18, United States Code, Section 2 – Aiding & Abetting

SAN FRANCISCO VENUE

(UNDER SEAL)

1 (15) MIGUEL ORTIZ,
a/k/a "Mute," a/k/a "Silent,"
2 (16) ANTONIO CASTILLO,
a/k/a "Tone," a/k/a "T-Mac," and
3 (17) MARVIN CORTEZ,
a/k/a "Marv, a/k/a "Mickey,"
4 a/k/a "Miki,"
5 Defendants.

6
7 **SUPERSEDING INDICTMENT**

8 The Grand Jury charges:

9 **COUNT ONE:** (18 U.S.C. § 1962(d) — Racketeering Conspiracy)

10 **Introduction**

11 At all times relevant to this Superseding Indictment:

12 1. The 19th Street Sureños is a predominantly Hispanic street gang that claims the area
13 centered around 19th Street and Mission Street in the Mission District of San Francisco as its territory or
14 "turf." The claimed turf includes the area bounded by 19th Street to the south, 16th Street to the north,
15 Folsom Street to the east, and Dolores Street to the west. The claimed turf also includes Dolores Park
16 and Franklin Square Park (also known as Bryant Park). Among other things, the gang's members
17 engage in the sale of narcotics, robberies, and other violent crimes, including murder. In the
18 commission of these crimes, and for defense, 19th Street Sureños gang members use guns and knives.
19 The gang seeks to maintain control of drug distribution in its turf.

20 2. Members of the 19th Street Sureños were closely affiliated with members of the 16th
21 Street Sureños gang, who claim the area centered around 16th Street and Mission Street as their
22 territory. Thus, the gangs claim adjoining turf, and members of the one gang can generally operate
23 freely in the turf of the other. Like the members of the 19th Street Sureños gang, the members of the
24 16th Street Sureños gang use guns and knives in the commission of crimes and for defense. Some
25 members of one gang have close relatives in the other. In general terms, the 16th Street Sureños are a
26 younger version of the 19th Street Sureños gang. Members of these two gangs commit crimes together,
27 coordinate activities, and engage in violence together to defend their collective territory against rival
28 gangs. The two gangs essentially function as a single, unified association-in-fact.

1 3. As its name declares, the 19th Street Sureños is a Sureño street gang. Although most
2 19th Street Sureños gang members were born in San Francisco, Sureño gang members generally have
3 roots in Southern California or Latin America, and they recognize the primacy of the Mexican Mafia
4 prison gang. They also claim the color blue and the number 13, the number 13 being a reference to the
5 thirteenth letter of the alphabet ("M"), which is a symbol of the Mexican Mafia. In addition, Sureño
6 gang members utilize phrases such as "Southside" and "Sur" in their graffiti and tattoos as an expression
7 of their gang affiliation.

8 4. In the San Francisco area, the principal rivals to the 19th Street Sureños are the various
9 Norteño gangs. Norteños generally have roots in Northern California, tend to be more racially and
10 ethnically diverse than Sureños, and recognize the primacy of the Nuestra Familia prison gang. They
11 also claim the color red and the number 14, the number 14 being a reference to the fourteenth letter of
12 the alphabet ("N"), which is a symbol of Nuestra Familia. Norteño gang members also utilize phrases
13 such as "Northside" or "Norte" and the image of the Huelga Bird in their graffiti and tattoos as an
14 expression of their gang affiliation.

15 5. The 19th Street Sureños have been, and continue to be, engaged in violence against
16 Norteños; similarly, Norteños engage in violence against Sureños. Indeed, one of the rules common to
17 both Sureño and Norteño gangs is that members of each side must attack members of the other side.
18 The more brazen the attack, the greater the respect that is given to the attacker by fellow gang members.
19 As a result, many innocent bystanders have been injured and even killed simply for being in the wrong
20 place at the wrong time during a gang attack, for being in the physical presence of a gang member, or for
21 being mistaken for a rival gang member based, for instance, on the mere color of their apparel.

22 6. In addition to warring with Norteños, the 19th Street Sureños also use violence against
23 each other to enforce the gang's rules. These rules include, among others, a prohibition against
24 cooperating with law enforcement in the investigation and prosecution of any criminal case, especially
25 criminal cases involving fellow gang members. Depending on the severity of the violation, the
26 punishment can be death.

27 7. Almost all of the 19th Street Sureños gang members have one or more tattoos that reflect
28 gang affiliation. These tattoos include words and symbols that refer to the 19th Street gang name, such

1 as "19th Streeter," "X9," "XIX," or "CONS" (for "Crazy One Nine Soldier/Sureño"), or a reference to
2 being a member of the Sureño gang, such as "13," "SUR," "X3," or the Mayan symbol for the number
3 thirteen, which is depicted by two horizontal and parallel black bars with three horizontal black dots on
4 top.

5 8. In order to join the 19th Street Sureños, members are required to undergo an initiation
6 process, often referred to as being "jumped in" to the gang. During this initiation, members of the 19th
7 Street Sureños beat the new member, usually until a gang member finishes counting to thirteen, or,
8 sometimes, to nineteen, out loud.

9 9. Members of the 19th Street Sureños are expected to protect the name, reputation, and
10 status of the gang from rival gang members and other persons. 19th Street Sureños gang members
11 require that all individuals show respect and deference to the gang and its membership. To protect the
12 gang and to enhance its reputation, 19th Street Sureños gang members are expected to use any means
13 necessary to force respect from those who show disrespect, including acts of intimidation and violence.

14 10. Members of the 19th Street Sureños engage in criminal activity, including murder,
15 attempted murder, narcotics distribution, assault, robbery, and obstructing justice by threatening and
16 intimidating fellow gang members and others whom they believe to be cooperating with law
17 enforcement. 19th Street Sureños gang members are required to commit acts of violence to maintain
18 membership and discipline within the gang, including violence against rival gang members or those they
19 perceive to be rival gang members, as well as 19th Street Sureños gang members and associates who
20 violate the gang's rules. As a result of the 19th Street Sureños' use of violence, innocent persons are
21 sometimes injured or killed. Participation in criminal activity by a 19th Street Sureños gang member,
22 particularly violent acts directed at rival gang members or as ordered by the gang leadership, increases
23 the level of respect accorded that member, resulting in that member's maintaining or increasing his
24 position in the gang, and possibly resulting in recognition as a leader.

25 11. The leaders of the 19th Street Sureños gang are called "shot callers" or "La Palabra," that
26 is, "the Word." Above the "shot callers" are higher ranking leaders, often referred to as the "big
27 homies," some of whom are incarcerated, who convey their orders through, among other means, the use
28 of telephones that are brought into prisons. The leaders of the 19th Street Sureños resolve disputes

1 between gang members, address organizational issues, and participate in significant gang decisions, such
2 as whether to authorize the killing of 19th Street Sureños gang members, associates, and other
3 individuals suspected of cooperating with law enforcement or otherwise breaking 19th Street Sureños
4 gang rules.

5 12. 19th Street Sureños gang members communicate about gang activities with other 19th
6 Street Sureños and 16th Street Sureños gang members in San Francisco and elsewhere using mobile
7 telephones, telephone text messages, notes or "kites," and other modes of communication.

8 The Racketeering Enterprise

9 13. The 19th Street Sureños, including its leadership, members, and associates, such as the
10 members of the 16th Street Sureños, in the Northern District of California and elsewhere, constitute an
11 "enterprise" as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals
12 associated in fact. The enterprise constitutes an ongoing organization whose members function as a
13 continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise is
14 engaged in, and its activities affect, interstate and foreign commerce.

15 Purposes of the Enterprise

16 14. The purposes of the 19th Street Sureños enterprise include the following:

17 a. Preserving and protecting the power, territory, reputation, and profits of the
18 enterprise through the use of intimidation, violence, threats of violence, assaults, and murder;

19 b. Promoting and enhancing the enterprise and the activities of its members and
20 associates through criminal acts, including, but not limited to, murder, attempted murder, narcotics
21 trafficking, robbery, and other criminal activities;

22 c. Keeping victims, potential victims, and community members in fear of the
23 enterprise and its members and associates through violence and threats of violence;

24 d. Providing financial support and information to 19th Street Sureños gang members
25 and associates, including those members and associates who are incarcerated; and

26 e. Providing assistance to other 19th Street Sureños gang members and associates
27 who have committed crimes for and on behalf of the gang, in order to hinder, obstruct, and prevent law
28 enforcement officers from identifying the offenders, apprehending the offenders, and successfully

1 prosecuting and punishing the offenders.

2 The Racketeering Conspiracy

3 15. Beginning on a date unknown to the Grand Jury but since at least the early 1990s and
4 continuing until up through and including the present, in the Northern District of California and
5 elsewhere, the defendants,

6 (1) EDUARDO ALVAREZ, a/k/a "Clumsy,"

7 (2) ELIAS CHAVEZ, a/k/a "Kiko,"

8 (3) LUIS CID-SALINAS, a/k/a "Lonely,"

9 (4) IGNACIO CRUZ, a/k/a "Nacho,"

10 (5) JUAN CARLOS GARCIA-GOMEZ, a/k/a "Lil Ghost,"

11 (6) JAIRO HERNANDEZ, a/k/a "Joker,"

12 (7) ORLANDO CARLOS HERNANDEZ, a/k/a "Chisto,"

13 (8) JUSEF NATHAN, a/k/a "Boo,"

14 (9) ROGELIO REAL, a/k/a "Payaso,"

15 (10) MARIO SERRANO, a/k/a "Caballo,"

16 (11) ALBERTO TORRES, a/k/a "Taz,"

17 (12) CARLOS VASQUEZ, a/k/a "Malo,"

18 (13) WESTON VENEGAS, a/k/a "Cartoon,"

19 (14) MICHAEL VIERA, a/k/a "Lil Rocks," a/k/a "Rocks,"

20 (15) MIGUEL ORTIZ, a/k/a "Mute," a/k/a "Silent,"

21 (16) ANTONIO CASTILLO, a/k/a "Tone," a/k/a "T-Mac," and

22 (17) MARVIN CORTEZ, a/k/a "Marv," a/k/a "Mickey," a/k/a "Miki,"

23 together with others known and unknown, each being a person employed by and associated with the
24 19th Street Sureños, an enterprise engaged in, and the activities of which affect, interstate and foreign
25 commerce, unlawfully, knowingly, and intentionally did conspire to violate Title 18, United States
26 Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the
27 affairs of the 19th Street Sureños enterprise through a pattern of racketeering activity, as defined in Title
28 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

- 1 a. multiple acts and threats involving murder, in violation of California Penal Code
2 Sections 187, 188, 189, 182, 21a, 664, 653f, and 422; and robbery, in violation of
3 California Penal Code Sections 211, 212, 212.5, 213, 182, 21a, 664, 653f, and
4 422;
- 5 b. multiple acts involving dealing in controlled substances, in violation of Title 21,
6 United States Code, Sections 841(a)(1) and 846; and
- 7 c. multiple acts indictable under Title 18, United States Code, Sections 1512
8 (relating to tampering with a witness, a victim, or an informant) and 1503
9 (relating to obstruction of justice).

10 16. It was part of the conspiracy that each defendant agreed that a conspirator would commit
11 at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

12 All in violation of Title 18, United States Code, Section 1962(d).

13 COUNT TWO: (18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of
14 Racketeering)

15 At all times relevant to this Superseding Indictment:

16 17. Paragraphs 1 through 14 are realleged and incorporated by reference as though fully set
17 forth herein.

18 18. 19th Street Sureños gang members, leaders, and associates, including members of the
19 16th Street Sureños, constituted an enterprise as defined in Title 18, United States Code, Section
20 1959(b)(2), that is, a group of individuals associated in fact that engages in, and the activities of which
21 affect, interstate and foreign commerce. The enterprise constitutes an ongoing organization whose
22 members function as a continuing unit for a common purpose of achieving the objectives of the
23 enterprise.

24 19. 19th Street Sureños, the above-described enterprise, through its members and associates,
25 engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and
26 1961(1), namely: multiple acts and threats involving murder, in violation of California Penal Code
27 Sections 187, 188, 189, 21a, 664, 653f, and 422; and multiple acts and threats involving robbery, in
28 violation of California Penal Code Sections 211, 212, 212.5, 213, 182, 21a, 664, 653f, and 422; multiple

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1 acts involving dealing in controlled substances, in violation of Title 21, United States Code, Sections
2 841(a)(1) and 846; and multiple acts indictable under Title 18, United States Code, Sections 1512
3 (relating to tampering with a witness, a victim, or an informant) and 1503 (relating to obstruction of
4 justice).

5 20. Beginning on a date unknown to the Grand Jury but since at least the early 1990s and
6 continuing until up through and including the present, in the Northern District of California and
7 elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the 19th
8 Street Sureños, an enterprise engaged in racketeering activity, the defendants,

9 (1) EDUARDO ALVAREZ, a/k/a "Clumsy,"

10 (2) ELIAS CHAVEZ, a/k/a "Kiko,"

11 (3) LUIS CID-SALINAS, a/k/a "Lonely,"

12 (4) IGNACIO CRUZ, a/k/a "Nacho,"

13 (5) JUAN CARLOS GARCIA-GOMEZ, a/k/a "Lil Ghost,"

14 (6) JAIRO HERNANDEZ, a/k/a "Joker,"

15 (7) ORLANDO CARLOS HERNANDEZ, a/k/a, "Chisto,"

16 (8) JUSEF NATHAN, a/k/a "Boo,"

17 (9) ROGELIO REAL, a/k/a "Payaso,"

18 (10) MARIO SERRANO, a/k/a "Caballo,"

19 (11) ALBERTO TORRES, a/k/a "Taz,"

20 (12) CARLOS VASQUEZ, a/k/a "Malo,"

21 (13) WESTON VENEGAS, a/k/a "Cartoon," and

22 (14) MICHAEL VIERA, a/k/a "Lil Rocks," a/k/a "Rocks,"

23 (15) MIGUEL ORTIZ, a/k/a "Mute," a/k/a "Silent,"

24 (16) ANTONIO CASTILLO, a/k/a "Tone," a/k/a "T-Mac," and

25 (17) MARVIN CORTEZ, a/k/a "Marv," a/k/a "Mickey," a/k/a "Miki,"

26 together with others known and unknown, unlawfully, knowingly, and intentionally did combine,
27 conspire, confederate, and agree together and with each other to commit murder, in violation of
28 California Penal Code Sections 187, 188, and 189, to wit, the defendants agreed together and with each

SUPERSSEDING INDICTMENT

1 other to kill actual and suspected Norteños, actual and suspected members of other gangs, individuals
2 who defied the will of the 19th Street Sureños, and individuals suspected of cooperating with law
3 enforcement.

4 All in violation of Title 18, United States Code, Section 1959(a)(5).

5 COUNT THREE: (18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous
6 Weapon in Aid of Racketeering)

7 At all times relevant to this Superseding Indictment:

8 21. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
9 as though fully set forth herein.

10 22. Beginning on a date unknown to the Grand Jury but since at least the early 1990s and
11 continuing until up through and including the present, in the Northern District of California and
12 elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the 19th
13 Street Sureños, an enterprise engaged in racketeering activity, the defendants,

14 (1) EDUARDO ALVAREZ, a/k/a "Clumsy,"

15 (2) ELIAS CHAVEZ, a/k/a "Kiko,"

16 (3) LUIS CID-SALINAS, a/k/a "Lonely,"

17 (4) IGNACIO CRUZ, a/k/a "Nacho,"

18 (5) JUAN CARLOS GARCIA-GOMEZ, a/k/a "Lil Ghost,"

19 (6) JAIRO HERNANDEZ, a/k/a "Joker,"

20 (7) ORLANDO CARLOS HERNANDEZ, a/k/a "Chisto,"

21 (8) JUSEF NATHAN, a/k/a "Boo,"

22 (9) ROGELIO REAL, a/k/a "Payaso,"

23 (10) MARIO SERRANO, a/k/a "Caballo,"

24 (11) ALBERTO TORRES, a/k/a "Taz,"

25 (12) CARLOS VASQUEZ, a/k/a "Malo,"

26 (13) WESTON VENEGAS, a/k/a "Cartoon," and

27 (14) MICHAEL VIERA, a/k/a "Lil Rocks," a/k/a "Rocks,"

28 //

SUPERSEDING INDICTMENT

1 (15) MIGUEL ORTIZ, a/k/a "Mute," a/k/a "Silent,"

2 (16) ANTONIO CASTILLO, a/k/a "Tone," a/k/a "T-Mac," and

3 (17) MARVIN CORTEZ, a/k/a "Marv, a/k/a "Mickey," a/k/a "Miki,"

4 together with others known and unknown, unlawfully, knowingly, and intentionally did combine,
5 conspire, confederate, and agree together and with each other to commit assault with a dangerous
6 weapon, in violation of California Penal Code Section 245(a)(1), to wit, the defendants agreed together
7 and with each other to assault with firearms, knives, and other dangerous weapons actual and suspected
8 Norteños, actual and suspected members of other gangs, individuals who defied the will of 19th Street
9 Sureños, and individuals suspected of cooperating with law enforcement.

10 All in violation of Title 18, United States Code, Section 1959(a)(6).

11 COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Using and Carrying a Firearm During and in
12 Relation to a Crime of Violence and Possessing a Firearm in Furtherance of a
13 Crime of Violence)

14 23. Beginning on a date unknown to the Grand Jury but since at least the early 1990s and
15 continuing until up through and including the present, in the Northern District of California and
16 elsewhere, the defendants,

17 EDUARDO ALVAREZ, a/k/a "Clumsy,"

18 LUIS CID-SALINAS, a/k/a "Lonely,"

19 JUAN CARLOS GARCIA-GOMEZ, a/k/a "Lil Ghost,"

20 ORLANDO CARLOS HERNANDEZ, a/k/a "Chisto,"

21 JUSEF NATHAN, a/k/a "Boo,"

22 ROGELIO REAL, a/k/a "Payaso,"

23 MARIO SERRANO, a/k/a "Caballo,"

24 ALBERTO TORRES, a/k/a "Taz,"

25 WESTON VENEGAS, a/k/a "Cartoon," and

26 MICHAEL VIERA, a/k/a "Lil Rocks," a/k/a "Rocks,"

27 together with others known and unknown, unlawfully, and knowingly did use, carry, brandish, and
28 discharge a firearm during and in relation to a crime of violence for which they may be prosecuted in a

SUPERSADING INDICTMENT

1 court of the United States, namely, the racketeering conspiracy charged in Count One of this
2 Superseding Indictment, the conspiracy to commit murder in aid of racketeering charged in Count Two
3 of this Superseding Indictment, and the conspiracy to commit assault with a dangerous weapon in aid of
4 racketeering charged in Count Three of this Superseding Indictment, and did possess, brandish, and
5 discharge a firearm in furtherance of the offenses charged in Counts One, Two, and Three of this
6 Superseding Indictment, to wit, the defendants possessed, used, and had available for their use a variety
7 of firearms to further the goals and activities of the 19th Street Sureños.

8 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

9 COUNT FIVE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-1)

10 24. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
11 as though fully set forth herein.

12 25. On or about August 30, 2011, in the Northern District of California, for the purpose of
13 gaining entrance to, and increasing and maintaining position in, the 19th Street Sureños, an enterprise
14 engaged in racketeering, the defendants,

15 JAIRO HERNANDEZ, a/k/a “Joker,” and

16 CARLOS VASQUEZ, a/k/a “Malo,”

17 together with others known and unknown, unlawfully, knowingly, and intentionally did murder
18 Victim-1, in violation of California Penal Code Sections 187, 188, 189, and 31.

19 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

20 COUNT SIX: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Using and Carrying a Firearm During and in
21 Relation to a Crime of Violence and Possessing a Firearm in Furtherance of a
22 Crime of Violence)

23 26. On or about August 30, 2011, in the Northern District of California, the defendants,

24 JAIRO HERNANDEZ, a/k/a “Joker,” and

25 CARLOS VASQUEZ, a/k/a “Malo,”

26 together with others known and unknown, unlawfully and knowingly did use, carry, and discharge a
27 firearm at Victim-1 during and in relation to a crime of violence for which they may be prosecuted in a
28 court of the United States, namely, the racketeering conspiracy charged in Count One, the conspiracy to

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1 commit murder in aid of racketeering charged in Count Two, the conspiracy to commit assault with a
2 dangerous weapon in aid of racketeering charged in Count Three, and the murder in aid of racketeering
3 of Victim-1 charged in Count Five, and did possess, brandish, and discharge a firearm in furtherance of
4 the offenses charged in Counts One, Two, Three, and Five of this Superseding Indictment.

5 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

6 COUNT SEVEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder)

7 27. On or about August 30, 2011, in the Northern District of California, the defendants,
8 JAIRO HERNANDEZ, a/k/a “Joker,” and
9 CARLOS VASQUEZ, a/k/a “Malo,”
10 together with others known and unknown, unlawfully and knowingly during and in relation to a crime of
11 violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of
12 racketeering of Victim-1 charged in Count Five of this Superseding Indictment, did use and carry a
13 firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime, did
14 cause the death of a person through the use of a firearm, which killing was murder as defined in Title 18,
15 United States Code, Section 1111(a).

16 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

17 COUNT EIGHT: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of
18 Racketeering of Victim-2)

19 28. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
20 as though fully set forth herein.

21 29. On or about May 31, 2013, in the Northern District of California, for the purpose of
22 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
23 engaged in racketeering activity, the defendants,

24 JUAN CARLOS GARCIA-GOMEZ, a/k/a “Lil Ghost,”

25 ROGELIO REAL, a/k/a “Payaso,”

26 ALBERTO TORRES, a/k/a “Taz,” and

27 MICHAEL VIERA, a/k/a “Lil Rocks,” a/k/a “Rocks,”

28 together with others known and unknown, unlawfully and knowingly did commit assault with a

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1 dangerous weapon, in violation of California Penal Code Sections 245(a)(1) and 31, to wit, the
2 defendants assaulted with a knife and screwdriver a suspected rival gang member, that is, Victim-2.

3 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

4 COUNT NINE: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of
5 Racketeering of Victim-3)

6 30. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
7 as though fully set forth herein.

8 31. On or about May 31, 2013, in the Northern District of California, for the purpose of
9 gaining entrance into, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
10 engaged in racketeering activity, the defendants,

11 JUAN CARLOS GARCIA-GOMEZ, a/k/a “Lil Ghost,”

12 ROGELIO REAL, a/k/a “Payaso,”

13 ALBERTO TORRES, a/k/a “Taz,” and

14 MICHAEL VIERA, a/k/a “Lil Rocks,” a/k/a “Rocks,”

15 together with others known and unknown, unlawfully and knowingly did commit assault with a
16 dangerous weapon, in violation of California Penal Code Sections 245(a)(1) and 31, to wit, the
17 defendants assaulted with a knife and screwdriver a suspected rival gang member, that is, Victim-3.

18 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

19 COUNT TEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of
20 Racketeering of Victim-4)

21 32. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
22 as though fully set forth herein.

23 33. On or about September 1, 2013, in the Northern District of California, for the purpose of
24 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an
25 enterprise engaged in racketeering activity, the defendant,

26 EDUARDO ALVAREZ, a/k/a “Clumsy,”

27 together with others known and unknown, unlawfully and knowingly did commit assault with a
28 dangerous weapon, in violation of California Penal Code Sections 245(a)(1) and 31, to wit, the

SUPERSSEDING INDICTMENT

1 defendant assaulted with a knife a suspected rival gang member, that is, Victim-4.

2 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

3 COUNT ELEVEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of
4 Racketeering of Victim-5)

5 34. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
6 as though fully set forth herein.

7 35. On or about September 8, 2013, in the Northern District of California, for the purpose of
8 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
9 engaged in racketeering activity, the defendant,

10 EDUARDO ALVAREZ, a/k/a “Clumsy,”
11 together with others known and unknown, unlawfully and knowingly did commit assault with a
12 dangerous weapon, in violation of California Penal Code Sections 245(a)(1) and 31, to wit, the
13 defendant assaulted with a knife a suspected rival gang member, that is, Victim-5.

14 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

15 COUNT TWELVE: (18 U.S.C. §§ 1959(a)(5) – Attempted Murder in Aid of Racketeering of
16 Victim-6)

17 36. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
18 as though fully set forth herein.

19 37. On or about January 4, 2014, in the Northern District of California, for the purpose of
20 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
21 engaged in racketeering activity, the defendants,

22 ELIAS CHAVEZ, a/k/a “Kiko,” and
23 IGNACIO CRUZ, a/k/a “Nacho,”
24 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
25 commit murder, in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664, to wit,
26 the defendants attempted to kill a suspected rival gang member, that is, Victim-6.

27 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

28 //

SUPERSEDING INDICTMENT

1 COUNT THIRTEEN: (18 U.S.C. §§ 1959(a)(5) – Attempted Murder in Aid of Racketeering of
2 Victim-7)

3 38. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
4 as though fully set forth herein.

5 39. On or about January 4, 2014, in the Northern District of California, for the purpose of
6 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
7 engaged in racketeering activity, the defendants,

8 ELIAS CHAVEZ, a/k/a “Kiko,” and

9 IGNACIO CRUZ, a/k/a “Nacho,”

10 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
11 commit murder, in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664, to wit,
12 the defendants attempted to kill a suspected rival gang member, that is, Victim-7.

13 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

14 COUNT FOURTEEN: (18 U.S.C. §§ 1959(a)(5) – Attempted Murder in Aid of Racketeering of
15 Victim-8)

16 40. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
17 as though fully set forth herein.

18 41. On or about January 4, 2014, in the Northern District of California, for the purpose of
19 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
20 engaged in racketeering activity, the defendants,

21 ELIAS CHAVEZ, a/k/a “Kiko,” and

22 IGNACIO CRUZ, a/k/a “Nacho,”

23 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
24 commit murder, in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664, to wit,
25 the defendants attempted to kill a suspected rival gang member, that is, Victim-8.

26 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

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SUPERSADING INDICTMENT

1 COUNT FIFTEEN: (18 U.S.C. §§ 1959(a)(5) – Attempted Murder in Aid of Racketeering of
2 Victim-9)

3 42. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
4 as though fully set forth herein.

5 43. On or about January 4, 2014, in the Northern District of California, for the purpose of
6 gaining entrance to, and maintaining and increasing position in, the 19th Street Sureños, an enterprise
7 engaged in racketeering activity, the defendants,

8 ELIAS CHAVEZ, a/k/a “Kiko,” and

9 IGNACIO CRUZ, a/k/a “Nacho,”

10 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
11 commit murder, in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664, to wit,
12 the defendants attempted to kill a suspected rival gang member, that is, Victim-9.

13 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

14 COUNT SIXTEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 –Using and Carrying a Firearm During and in
15 Relation to a Crime of Violence and Possessing a Firearm in Furtherance of a
16 Crime of Violence)

17 44. On or about January 4, 2014, in the Northern District of California, the defendants,

18 ELIAS CHAVEZ, a/k/a “Kiko,” and

19 IGNACIO CRUZ, a/k/a “Nacho,”

20 together with others known and unknown, unlawfully and knowingly did use, carry, brandish, and
21 discharge a firearm during and in relation to a crime of violence for which they may be prosecuted in a
22 court of the United States, namely, the racketeering conspiracy charged in Count One, the conspiracy to
23 commit murder in aid of racketeering charged in Count Two, the conspiracy to commit assault with a
24 dangerous weapon in aid of racketeering charged in Count Three, and the attempted murders in aid of
25 racketeering of Victim-6, Victim-7, Victim-8, and Victim-9, charged in Counts Twelve, Thirteen,
26 Fourteen, and Fifteen, respectively, of this Superseding Indictment, and did possess, brandish, and

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SUPERSEDING INDICTMENT

1 discharge a firearm in furtherance of the offenses charged in Counts One, Two, Three, Twelve, Thirteen,
2 Fourteen, and Fifteen of this Superseding Indictment.

3 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

4 COUNT SEVENTEEN: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
5 Victim-10)

6 45. Paragraphs 1 through 14 and 18 through 19 are realleged and incorporated by reference
7 as though fully set forth herein.

8 46. On or about July 19, 2014, in the Northern District of California, for the purpose of
9 gaining entrance to, and increasing and maintaining position in, the 19th Street Sureños, an enterprise
10 engaged in racketeering, the defendants,

11 MIGUEL ORTIZ, a/k/a “Mute,” a/k/a “Silent,”

12 ANTONIO CASTILLO, a/k/a “Tone,” a/k/a “T-Mac,” and

13 MARVIN CORTEZ, a/k/a “Marv,” a/k/a “Mickey,” a/k/a “Miki,”

14 together with others known and unknown, unlawfully, knowingly, and intentionally did murder
15 Victim-10, in violation of California Penal Code Sections 187, 188, 189, and 31.

16 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

17 COUNT EIGHTEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Using and Carrying a Firearm During
18 and in Relation to a Crime of Violence and Possessing a Firearm in
19 Furtherance of a Crime of Violence)

20 47. On or about July 19, 2014, in the Northern District of California, the defendants,

21 MIGUEL ORTIZ, a/k/a “Mute,” a/k/a “Silent,”

22 ANTONIO CASTILLO, a/k/a “Tone,” a/k/a “T-Mac,” and

23 MARVIN CORTEZ, a/k/a “Marv,” a/k/a “Mickey,” a/k/a “Miki,”

24 together with others known and unknown, unlawfully and knowingly did use, carry, and discharge a
25 firearm at Victim-10 during and in relation to a crime of violence for which they may be prosecuted in a
26 court of the United States, namely, the racketeering conspiracy charged in Count One, the conspiracy to
27 commit murder in aid of racketeering charged in Count Two, the conspiracy to commit assault with a
28 dangerous weapon in aid of racketeering charged in Count Three, and the murder in aid of racketeering

SUPERSEDING INDICTMENT

1 of Victim-10 charged in Count Seventeen, and did possess, brandish, and discharge a firearm in
2 furtherance of the offenses charged in Counts One, Two, Three, and Seventeen of this Superseding
3 Indictment.

4 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

5 COUNT NINETEEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder)

6 48. On or about July 19, 2014, in the Northern District of California, the defendants,
7 MIGUEL ORTIZ, a/k/a “Mute,” a/k/a “Silent,”
8 ANTONIO CASTILLO, a/k/a “Tone,” a/k/a “T-Mac,” and
9 MARVIN CORTEZ, a/k/a “Marv,” a/k/a “Mickey,” a/k/a “Miki,”
10 together with others known and unknown, unlawfully and knowingly during and in relation to a crime of
11 violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of
12 racketeering of Victim-10 charged in Count Seventeen of this Superseding Indictment, did use and carry
13 a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime, did
14 cause the death of a person through the use of a firearm, which killing was murder as defined in Title 18,
15 United States Code, Section 1111(a).

16 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

17
18 NOTICE OF SPECIAL SENTENCING FACTORS FOR COUNT ONE

19 Number 1: Conspiracy to Commit Murder

20 49. Beginning on a date unknown to the Grand Jury but since at least the early 1990s and
21 continuing until up through and including the present, in the Northern District of California and
22 elsewhere, the defendants,

23 (1) EDUARDO ALVAREZ, a/k/a “Clumsy,”

24 (2) ELIAS CHAVEZ, a/k/a “Kiko,”

25 (3) LUIS CID-SALINAS, a/k/a “Lonely,”

26 (4) IGNACIO CRUZ, a/k/a “Nacho,”

27 (5) JUAN CARLOS GARCIA-GOMEZ, a/k/a “Lil Ghost,”

28 //

SUPERSEDING INDICTMENT

- (6) JAIRO HERNANDEZ, a/k/a "Joker,"
(7) ORLANDO CARLOS HERNANDEZ, a/k/a "Chisto,"
(8) JUSEF NATHAN, a/k/a "Boo,"
(9) ROGELIO REAL, a/k/a "Payaso,"
(10) MARIO SERRANO, a/k/a "Caballo,"
(11) ALBERTO TORRES, a/k/a "Taz,"
(12) CARLOS VASQUEZ, a/k/a "Malo,"
(13) WESTON VENEGAS, a/k/a "Cartoon," and
(14) MICHAEL VIERA, a/k/a "Lil Rocks," a/k/a "Rocks,"
(15) MIGUEL ORTIZ, a/k/a "Mute," a/k/a "Silent,"
(16) ANTONIO CASTILLO, a/k/a "Tone," a/k/a "T-Mac," and
(17) MARVIN CORTEZ, a/k/a "Marv," a/k/a "Mickey," a/k/a "Miki,"

together with others known and unknown, unlawfully, knowingly, and intentionally did conspire to commit murder, in violation of California Penal Code Sections 187, 188, 189, and 182, to wit, the defendants agreed together and with each other to kill, with malice aforethought, actual and suspected members of rival gangs, individuals suspected of cooperating with law enforcement, and individuals who defied the will of the 19th Street Sureños.

Number 2: Murder of Victim-1

50. On or about August 30, 2011, in the Northern District of California, the defendants,
JAIRO HERNANDEZ, a/k/a "Joker," and
CARLOS VASQUEZ, a/k/a "Malo,"
unlawfully, knowingly, and intentionally did kill, with malice aforethought, Victim-1, in violation of California Penal Code Sections 187, 188, 189, and 31.

Number 3: Attempted First Degree Murder of Victim-6

51. On or about January 4, 2014, in the Northern District of California, the defendants,
ELIAS CHAVEZ, a/k/a "Kiko," and
IGNACIO CRUZ, a/k/a "Nacho,"
unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to kill,

1 with malice aforethought, Victim-6, in violation of California Penal Code Sections 187, 188, 189, 21a,
2 and 664.

3 Number 4: Attempted First Degree Murder of Victim-7

4 52. On or about January 4, 2014, in the Northern District of California, the defendants,
5 ELIAS CHAVEZ, a/k/a "Kiko," and
6 IGNACIO CRUZ, a/k/a "Nacho,"
7 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to kill,
8 with malice aforethought, Victim-7, in violation of California Penal Code Sections 187, 188, 189, 21a,
9 and 664.

10 Number 5: Attempted First Degree Murder of Victim-8

11 53. On or about January 4, 2014, in the Northern District of California, the defendants,
12 ELIAS CHAVEZ, a/k/a "Kiko," and
13 IGNACIO CRUZ, a/k/a "Nacho,"
14 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to kill,
15 with malice aforethought, Victim-8, in violation of California Penal Code Sections 187, 188, 189, 21a,
16 and 664.

17 Number 6: Attempted First Degree Murder of Victim-9

18 54. On or about January 4, 2014, in the Northern District of California, the defendants,
19 ELIAS CHAVEZ, a/k/a "Kiko," and
20 IGNACIO CRUZ, a/k/a "Nacho,"
21 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to kill,
22 with malice aforethought, Victim-9, in violation of California Penal Code Sections 187, 188, 189, 21a,
23 and 664.

24 Number 7: Murder of Victim-10

25 55. On or about July 19, 2014, in the Northern District of California, the defendants,
26 MIGUEL ORTIZ, a/k/a "Mute," a/k/a "Silent,"
27 ANTONIO CASTILLO, a/k/a "Tone," a/k/a "T-Mac," and
28 MARVIN CORTEZ, a/k/a "Marv," a/k/a "Mickey," a/k/a "Miki,"

1 unlawfully, knowingly, and intentionally did kill, with malice aforethought, Victim-10, in violation of
2 California Penal Code Sections 187, 188, 189, and 31.

3
4 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT CARLOS VASQUEZ

5 56. The allegations set forth in Counts Five and Seven of this Superseding Indictment are
6 hereby realleged as if fully set forth herein and incorporated by reference.

7 57. As to Counts Five and Seven of this Superseding Indictment, the defendant, CARLOS
8 VASQUEZ:

- 9 (1) was 18 years of age or older at the time of the offense (Title 18, United States
10 Code, Section 3591(a));
- 11 (2) intentionally killed the victim (Title 18, United States Code, Section
12 3591(a)(2)(A));
- 13 (3) intentionally inflicted serious bodily injury that resulted in the death of the victim
14 (Title 18, United States Code, Section 3591(a)(2)(B));
- 15 (4) intentionally participated in an act, contemplating that the life of a person would
16 be taken and intending that lethal force would be used in connection with a
17 person, other than one of the participants in the offense, and the victim died as a
18 direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and
- 19 (5) intentionally and specifically engaged in an act of violence, knowing that the act
20 created a grave risk of death to a person, other than one of the participants in the
21 offense, such that participation in the act constituted a reckless disregard for
22 human life and the victim died as a direct result of the act (Title 18, United States
23 Code, Section 3591(a)(2)(D)); and
- 24 (6) in committing the offenses described in Counts Five and Seven of this Indictment,
25 the defendant acted after substantial planning and premeditation to cause the
26 death of a person (Title 18, United States Code, Section 3592(c)(9)).

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28 //

SUPERSEDING INDICTMENT

1 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT JAIRO HERNANDEZ

2 58. The allegations set forth in Counts Five and Seven of this Superseding Indictment are
3 hereby realleged as if fully set forth herein and incorporated by reference.

4 59. As to Counts Five and Seven of this Superseding Indictment, the defendant, JAIRO
5 HERNANDEZ:

- 6 (1) was 18 years of age or older at the time of the offense (Title 18, United States
7 Code, Section 3591(a));
- 8 (2) intentionally killed the victim (Title 18, United States Code, Section
9 3591(a)(2)(A));
- 10 (3) intentionally inflicted serious bodily injury that resulted in the death of the victim
11 (Title 18, United States Code, Section 3591(a)(2)(B));
- 12 (4) intentionally participated in an act, contemplating that the life of a person would
13 be taken and intending that lethal force would be used in connection with a
14 person, other than one of the participants in the offense, and the victim died as a
15 direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and
- 16 (5) intentionally and specifically engaged in an act of violence, knowing that the act
17 created a grave risk of death to a person, other than one of the participants in the
18 offense, such that participation in the act constituted a reckless disregard for
19 human life and the victim died as a direct result of the act (Title 18, United States
20 Code, Section 3591(a)(2)(D)); and
- 21 (6) in committing the offenses described in Counts Five and Seven of this Indictment,
22 the defendant acted after substantial planning and premeditation to cause the
23 death of a person (Title 18, United States Code, Section 3592(c)(9)).

24 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT MIGUEL ORTIZ

25 60. The allegations set forth in Counts Seventeen and Nineteen of this Superseding
26 Indictment are hereby realleged as if fully set forth herein and incorporated by reference.

27 61. As to Counts Seventeen and Nineteen of this Indictment, the defendant, MIGUEL
28 ORTIZ:

- (1) was 18 years of age or older at the time of the offense (Title 18, United States Code, Section 3591(a));
- (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));
- (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));
- (4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and
- (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
- (6) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5)); and
- (7) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant acted after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)).

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT ANTONIO CASTILLO

62. The allegations set forth in Counts Seventeen and Nineteen of this Superseding Indictment are hereby realleged as if fully set forth herein and incorporated by reference.

63. As to Counts Seventeen and Nineteen of this Indictment, the defendant, ANTONIO CASTILLO:

SUPERSEDING INDICTMENT

- (1) was 18 years of age or older at the time of the offense (Title 18, United States Code, Section 3591(a));
- (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));
- (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));
- (4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and
- (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
- (6) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5)); and
- (7) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant acted after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)).

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT MARVIN CORTEZ

64. The allegations set forth in Counts Seventeen and Nineteen of this Superseding Indictment are hereby realleged as if fully set forth herein and incorporated by reference.

65. As to Counts Seventeen and Nineteen of this Indictment, the defendant, MARVIN CORTEZ:

SUPERSEDING INDICTMENT

- (1) was 18 years of age or older at the time of the offense (Title 18, United States Code, Section 3591(a));
- (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));
- (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));
- (4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and
- (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
- (6) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5)); and

(7) in committing the offenses described in Counts Seventeen and Nineteen of this Superseding Indictment, the defendant acted after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)).

DATED:

November 6, 2014

A TRUE BILL

Nancy J. Peterson
FOREPERSON

MELINDA HAAG
United States Attorney

C. Kelly
J. Douglas Wilson
Chief, Criminal Division

(Approved as to form: *KSA* *AS*)
AUSA Andrew M. Scoble
AUSA Kimberly Hopkins

SUPERSEDING INDICTMENT